

1
2 **Before The**
3 **FEDERAL COMMUNICATIONS COMMISSION**
4 **Washington, D.C. 20554**

5 In the Matter of:

6 Rules and Regulations Implementing Minimum
7 Customer Account Record Exchange
8 Obligations on All Local and Long Distance
9 Carriers

CG Docket No. 02-386

10
11
12
13 **REPLY COMMENTS OF**
14 **HARDY MYERS**
15 **ATTORNEY GENERAL**
16 **OF THE**
17 **STATE OF OREGON**

18 **In Support of:**
19 **June 3, 2004, Comments of**
20 **Eliot Spitzer**
21 **Attorney General**
22 **Of the**
23 **State of New York**

24 Andrew Shull, Assistant Attorney General
25 Financial Fraud/Consumer Protection Section
26 Civil Enforcement Division

1162 Court St., NE
Salem, Oregon 97301-4096
Tel No.: (503) 947-4333
Fax No.: (503) 378-5017

June 18th, 2004

1 **I. INTRODUCTION**

2 The Federal Communications Commission (Commission) has received comments
3 regarding a *Notice of Proposed Rulemaking (Notice)*¹ which sought comment on whether the
4 Commission should impose mandatory minimum Customer Account Record Exchange (CARE)
5 obligations on all local exchange carriers (LECs) and interexchange carriers (IXCs).

6 On June 3, 2004, the New York Office of the Attorney General submitted comments to
7 the Commission which: (1) support the mandatory minimum CARE obligations for all IXCs and
8 LECs proposed in the *Notice* to ensure all affected carriers are notified when a customer changes
9 long distance service; and, (2) further recommended to the Commission that “similar inter-carrier
10 data exchange procedures be required when a customer cancels long distance service without
11 selecting a new IXC.”²

12 The Oregon Department of Justice (ODOJ) through Hardy Myers, Attorney General of
13 the State of Oregon, agrees with the New York Office of the Attorney General’s comments that
14 the Commission expand the concept set forth in the *Notice* to include the consideration of similar
15 inter-carrier data exchange procedures and requirements addressing the cancellation of long
16 distance services.

17 **II. THE COMMISSION SHOULD EXPAND THE SCOPE OF ITS RULEMAKING**
18 **TO CONSIDER INTER-CARRIER DATA EXCHANGE PROCEDURES AND**
19 **REQUIREMENTS FOR THE CANCELLATION OF LONG DISTANCE SERVICE.**

20 Since January 1, 2004, ODOJ has received over 75 consumer complaints regarding
21 billing errors and consumer confusion related to the cancellation of IXC services. The fact that
22 consumers in Oregon are experiencing the same problem with canceling IXC services as
23 consumers in New York indicates a strong need for a national solution.

24 ///

25 _____
26 ¹ FCC 04-50 (released March 25, 2004), 69 FR 20845 (April 19, 2004).

26 ² June 3, 2004, Comments of Eliot Spitzer, Attorney General of the State of New York, CG
Docket No. 02-386, at 1.

1 Oregon consumers have complained that their notice to IXC of an intent to cancel their
2 long distance service is not effectuating actual cancellation. The intent of the consumers is not
3 being communicated to or accepted by their LECs. In order to effect an actual cancellation,
4 consumers must generally contact both their IXC and LEC. Unfortunately, most consumers
5 don't know this, either because they have not been properly informed of the need to contact both
6 entities, or because the notice they are given is inadequate. As a result, Oregonians who thought
7 they terminated their customer relationship with a particular IXC by notifying the IXC of their
8 intent, later learned that the IXC remained associated with the consumer's telephone number
9 unless and until the consumer notified their LEC.

10 The inability of Oregon consumers to effectuate the cancellation of IXC services through
11 IXCs may be a result of how the system has evolved since the divestiture. The Commission's
12 interest in reviewing the current system would be well served by expanding the scope of its
13 consideration to include the development of inter-carrier data exchange procedures and
14 requirements for the cancellation of long distance services. The Commission may, for example,
15 explore the possibility of requiring IXCs to notify a customer's LEC when informed by the
16 customer that the customer wishes to cancel his or her IXC service; requiring the LEC to
17 properly effectuate the cancellation at the local switch once the LEC confirms that the IXC
18 cancellation request is authorized by the customer or otherwise deemed accurate; or, instituting
19 third party verification for confirmation of cancellation requests made through IXCs.

20 **III. CONCLUSION**

21 Just as there is a need to ensure that all affected carriers are notified when a customer
22 changes long distance service, as proposed in the *Notice*, there also exists a similar need when a
23 customer wishes to *cancel* long distance service.

24 The problems discussed above indicate that something in the overall system needs to be
25 changed. Requiring consumers to contact their local exchange carrier in order to terminate their
26 customer relationship with their long distance carrier is burdensome, counterintuitive, and

1 unreasonable. An improved exchange of the necessary service related consumer information
2 will better assist both the carriers and consumers in effectuating cancellation of IXC services.
3 Further, it's becoming increasingly important for consumers to be able to effectively terminate
4 their IXC service as they seek to take advantage of new competitive alternatives in the long
5 distance service market. Cellular and wireless technology providers, Internet based voice-over-
6 protocol, calling cards and "dial around" long distances services now compete with IXCs to
7 provide affordable long distance telecommunications services to consumers.

8 The expansion of the concept set forth in the *Notice* to include the consideration of
9 similar inter-carrier data exchange procedures and requirements to address the cancellation by a
10 consumer of long distance service is an appropriate step in reducing consumer confusion,
11 reducing billing errors and creating a more efficient and competitive marketplace.

12 June 18th, 2004.

13
14 Respectfully submitted,

15 HARDY MYERS
16 Attorney General of the State of Oregon

17 By: Andrew Shull
18 Assistant Attorney General
19

20 Andrew Shull
21 Assistant Attorney General
22 Financial Fraud/Consumer Protection Section
23 Civil Enforcement Division
24 Oregon Department of Justice
25 1162 Court St., NE
26 Salem, Oregon 97301-4096
Tel No.: (503) 947-4333
Fax No.: (503) 378-5017